

SENATE BILL 794  
By Henry

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 22, relative to clinical pastoral therapists, and professional counselors and marital and family therapists.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-22-101, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) There is hereby created the board for professional counselors, marital and family therapists, and clinical pastoral therapists, hereinafter referred to as the "board".

SECTION 2. Tennessee Code Annotated, Section 63-22-101, is further amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The board shall consist of seven (7) members who shall be appointed by the governor.

(1) The Tennessee Association for Counseling and Development, the Tennessee Association for Marriage and Family Therapy, and the Tennessee Association of Pastoral Therapists each may provide the governor with a list of four (4) candidates. The governor may appoint members from each list.

(2) The seventh member shall be a citizen-at-large appointed by the governor.

(3) All board members shall be resident citizens of Tennessee.

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(4) Board candidates shall be licensed or certified prior to nomination except for the seventh member, who shall be a citizen-at-large.

SECTION 3. Tennessee Code Annotated, Section 63-22-101(c)(2), is amended by deleting such subdivision in its entirety and by substituting instead the following:

(2) With the exception of the citizen-at-large member, at least three (3) months before expiration of any board member's term, the Tennessee Association for Counseling and Development, the Tennessee Association for Marriage and Family Therapy, and the Tennessee Association of Pastoral Therapists may submit to the governor a list of persons eligible for appointment, in number not less than twice the number of appointments to be made.

SECTION 4. Tennessee Code Annotated, Section 63-22-102, is amended by adding the following new subdivisions thereto:

(12) Review the credentials for licensure of clinical pastoral therapy applicants to determine if they are eligible for licensure upon payment of a nonrefundable review fee as set by the board;

(13) Prepare or select and administer examinations to clinical pastoral therapy applicants for licensure;

(14) License as clinical pastoral therapist applicants who satisfy the requirements of Section 8 of this act;

SECTION 5. Tennessee Code Annotated, Section 63-22-114, is amended by deleting the language "or licensed professional counselors" and by substituting instead the language and punctuation ", licensed professional counselors or licensed clinical pastoral therapists".

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. The following definitions shall apply in this section, unless the context clearly requires a different meaning:

(1) "Advertise" means, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, video, or television broadcasting or other means designed to secure public attention;

(2) "Approved supervisor" means a person who is a licensed clinical pastoral therapist and either a Diplomate of the American Association of Pastoral Counselors, an approved supervisor by the American Association of Marriage and Family Therapy, or a board-approved clinical pastoral therapy supervisor;

(3) "Approved training program" means a clinical training program accredited by the American Association of Pastoral Counselors or a program accredited as a post-graduate training program by the American Association for Marriage and Family Therapy;

(4) "Board-approved clinical pastoral therapy supervisor" means a person who gives the board evidence of:

(A) Five (5) years' full-time experience in clinical pastoral therapy practice and supervision;

(B) One hundred twenty-five (125) hours of supervision specifically in the skill of providing supervision to clinical pastoral therapists; and

(C) A recommendation for board-approved supervisor status from a supervisor who has provided supervision of the supervision referred to in subdivision (a)(4)(B)

(5) "Clinical pastoral education" means program of training designed to acquaint students of theology and practicing clergy with the clinical method of

learning, increase skills in the arts of pastoral care, and facilitate integration of a professional pastoral identity. Programs typically occur in general medical, psychiatric, or penal institutions;

(6) "Clinical pastoral therapy" means the diagnosis and treatment of cognitive, affective, behavioral, and spiritual problems and dysfunctions from a clinical pastoral perspective. Clinical pastoral therapy involves the integration and professional application of resources and techniques from the religious community's traditions of pastoral care and counsel along with resources and techniques of the contemporary clinical psychotherapy movement in the delivery of services to individuals, couples, families, and groups;

(7) "Fee" means money, services, or anything of value offered or received as compensation in return for rendering services covered by this chapter;

(8) "Licensed clinical pastoral therapist" means a person who has met the qualifications for licensed clinical pastoral therapist and holds a current, unsuspended or unrevoked, license which has been lawfully issued by the board;

(9) "Person" means any individual, firm, corporation, partnership, organization, or body politic;

(10) "Practice of clinical pastoral therapy" means the rendering of professional clinical pastoral therapy to individuals, couples, families, or groups, either offered directly to the general public by an individual operating independently of any institution, organization, or agency; or through mental health clinics or agencies (whether public or private); or through hospitals (whether public or private), for a fee (excluding volunteer hours);

(11) "Recognized educational institution" means any educational institution that is accredited by a nationally or regionally recognized educational accrediting body;

(12) "Supervision" means the on going, direct clinical review, for the purpose of training or teaching, by an approved supervisor who monitors the performance of a person's supervised interaction with a client and provides regular documented face-to-face consultation, guidance, and instructions with respect to the clinical skills and competencies of the person supervised.

Supervision may include, without being limited to, the review of case presentations, audiotapes, videotapes, and direct observation; and

(13) "Use a title or description of" means to hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards, or other instruments of professional identification.

SECTION 7. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding a new section thereto:

(a) Except as specifically provided in Section 9, beginning January 1, 1998, no person who is not licensed as a clinical pastoral therapist under this chapter shall:

(1) Advertise the performance of clinical pastoral therapy services by such person;

(2) Use the title "licensed clinical pastoral therapist" to denote that the person is a clinical pastoral therapist or practices clinical pastoral therapy; or

(3) Engage in the practice of clinical pastoral therapy;

(b) Any person who engages in any unlawful act enumerated in this section is guilty of a Class B misdemeanor.

(c) The department of health may institute appropriate proceedings, in law or equity, to enjoin any person from engaging in any unlawful act enumerated in this section, such action or proceeding to be brought in the circuit or chancery court of the county in which the unlawful act occurs or in which the defendant resides.

(d) Nothing in this section shall be construed as permitting any person licensed as a clinical pastoral therapist to engage in the practice of “licensed psychological examiners,” “licensed psychologist,” “certified master social worker,” or “licensed independent practitioner of social work, as defined in the laws of this state.

(e) Nothing in this section, except in subsection (b), applies to any person regulated by the board of nursing.

(f) Nothing in this section shall be construed as permitting any person licensed as a clinical pastoral therapist to perform psychological tests intended to measure and/or diagnose mental illness. Consistent with each therapist’s formal education and training, licensed clinical pastoral therapists may administer and utilize appropriate assessment instruments which measure and/or diagnose cognitive, affective, behavioral, and spiritual problems and dysfunction's of individuals, couples and families as part of the therapy process or in the development of a pastoral therapeutic treatment plan.

SECTION 8. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. An applicant for licensure as a clinical pastoral therapist shall pay the board a nonrefundable fee as set by the board and shall satisfy the board that the applicant:

- (1) Is at least eighteen (18) years of age;
- (2) Is of good moral character;
- (3) Has met the educational standards set by the board which shall

include:

- (A) Completion of a minimum of one hundred twenty (120) graduate semester hours from a recognized educational institution of which sixty (60) graduate semester hours shall be in a course of studies in clinical pastoral therapy as designated by the board;

(B) The awarding of the Master of Divinity (M.Div.) degree or its equivalent;

(C) The awarding of an advanced degree (either a master's or doctoral degree) in pastoral therapy or a closely related field;

(D) Completion of a practicum consisting of at least one (1) unit of full-time clinical pastoral education in a program accredited by the Association for Clinical Pastoral Education or an equivalent clinical training experience; and

(E) Completion of an internship consisting of at least two (2) years of clinical pastoral therapy training in an approved training program;

(4) Has provided a minimum of one thousand four hundred (1,400) hours of pastoral therapy with individuals, couples, families and/or groups while receiving a minimum of two hundred seventy (270) hours of supervision of such therapy with an approved supervisor; and

(5) Has passed the examination published by the national Pastoral Counselor Examination Board or other such examination as approved by the board.

SECTION 9. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding the following as a new section thereto:

Section \_\_\_\_\_. (a) Nothing in this chapter shall be construed as limiting the ministry, activities, or services of a rabbi, priest, minister of the gospel or others authorized by a regularly organized and functioning religious body in performing the ordinary duties or functions of the clergy.

(b) The provisions of this chapter do not apply to a person if the person is preparing for the practice of clinical pastoral therapy under qualified supervision in a training institution or facility or supervisory arrangement recognized and approved by the

board; provided, that such person is designated by such titles as “pastoral therapy intern“, pastoral therapy trainee“, or others, clearly indicating such training status.

(c) Nothing in this chapter shall be construed to prevent qualified members of other professional groups as defined by the board, including, but not limited to, licensed clinical social workers, licensed psychologists, licensed psychological examiners, psychiatric nurses, physicians, attorneys at law, from performing or advertising that they provide or offer counseling services consistent with the accepted standards of their respective professions nor to prevent alcohol and drug abuse counselors certified under Section 33-2-801 or operating under qualified supervision while seeking such certification from doing counseling consistent with the accepted standards of such profession.

SECTION 10. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding the following as a new section thereto:

Section \_\_\_\_\_. (a) The board may enter into a reciprocal agreement with any other state that licenses, certifies or registers clinical pastoral therapists, if the board finds that such state has substantially the same or higher licensure requirements than Tennessee. This agreement shall provide that the board may license without examination any resident of another state who is currently licensed, certified or registered by that state, if that resident has met the same or higher requirements as provided herein.

(b) The board may license by endorsement a clinical pastoral therapist applicant who is a Fellow or Diplomate of the American Association of Pastoral Counselors if that person otherwise meets the requirements of this chapter.

(c) The board may also license by endorsement a clinical pastoral therapist applicant who is:



(1) Certified as either a Member of the American Association of Pastoral Counselors or as a Clinical Member of the American Association for Marriage and Family Therapy;

(2) Can document five (5) years of full-time practice in pastoral therapy subsequent to that certification; and

(3) Otherwise meets the requirements of this chapter.

SECTION 11. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding the following as a new section thereto:

Section \_\_\_\_\_. Until January 1, 2000, applicants who are either a member associate or certified member of the American Association of Pastoral Counselors, or who can document being actively engaged in the practice of clinical pastoral therapy for at least five (5) years prior to January 1, 1998, shall be entitled to receive a license as a clinical pastoral therapist pursuant to this act.

SECTION 12. For the purpose of making appointments to the board, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 1998, the public welfare requiring it.

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